

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRYANT PERALTE, an infant by his m/n/g RAMONA
GARCIA & RAMONA GARCIA individually,

NOTICE OF MOTION

Plaintiffs, 07 CV 6148 (RJH)

-against-

THE CITY OF NEW YORK, POLICE OFFICERS JOHN
ROE 1-10,

Defendants.
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PLEASE TAKE NOTICE that upon the Local Civil Rule 56.1 Statement of Defendant City of New York, dated May 9, 2008; the Declaration of Assistant Corporation Counsel Steve Stavridis, dated May 9, 2008, and the exhibits annexed thereto; the Memorandum of Law in Support of Defendant's Motion dated May 9, 2008, and upon all prior pleadings and proceedings had herein, defendant the City of New York will move this Court before the Honorable Richard J. Holwell, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, on a date and time to be determined by the Court, for an order pursuant to Fed.R.Civ.P. 12(c) granting defendant City of New York judgment on the pleadings, or, alternatively for an order pursuant to Fed.R.Civ.P. 56 granting summary judgment to defendant City of New York, together with such other and further relief as this Court deems just proper on the grounds that plaintiff has failed to state a claim against defendant and there are no material issues of fact that warrant a trial against it.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Court's Scheduling order, answering papers, if any, must be served on or before June 13, 2008.

Dated: New York, New York
May 9, 2008

Yours, etc.,

MICHAEL A. CARDOZO
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City of New York
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By: _____

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Assistant Corporation Counsel

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